

DETAILED ACTION

Claims 4, 6 and 9 are currently pending in the instant application, appear allowable and have been renumbered as claims 1-3. Applicants' amendment has overcome the objection to the claims; has overcome the 35 USC 112 1st paragraph rejections of the claims and has overcome the 35 USC 102 rejections of the claims.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Joseph Coppola on 12 September 2008.

The application has been amended as follows:

1. Please amend line 6, page 1 of the specification by deleting "This application" and inserting in its place -- This application is a division of 10/342,905, filed 15 January 2003, now U.S. Patent No. 6,710,184 which --.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance. This invention relates to a crystalline ethyl acetate solvate of carvedilol. The novel and nonobvious aspect of this invention involves the specific crystalline form of the ethyl acetate solvate of carvedilol. The closest prior art of record fails to teach or suggest the instantly claimed crystalline ethyl acetate solvate of carvedilol as the crystalline forms of the prior art and the claimed ethyl acetate solvate of carvedilol differ in physical

characteristics such as X-ray diffraction patterns of the crystalline solid. As Applicants' ethyl acetate solvate of carvedilol of the instant claims was an unknown substance, there were no known ways of making the claimed compound. That some other crystalline forms such as those disclosed in the prior art might have existed does not make obvious the particular claimed crystalline compound since there could have been no motivation to produce the claimed form when one was not known to exist.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rebecca L. Anderson whose telephone number is (571) 272-0696. Mrs. Anderson can normally be reached Monday through Friday from 6:00am until 2:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Joseph K. McKane, can be reached at (571) 272-0699.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*/Rebecca Anderson/
Primary Examiner, AU 1626*

12 September 2008

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